

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1082 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not? No

3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?
No

ILA PATHAK

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA & MR AH MEHTA for Petitioners
MR SAMIR DAVE, AGP for Respondents.

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 01/04/97

ORAL JUDGEMENT

By filing the petition two active women workers alongwith petitioner No. 3 - Action Group of Women of the city of Ahmedabad have brought to the notice of the Court the virtual inaction on the part of the State authorities to deal with the cases of undesirable and vulgar display of women body in advertisement in general and dramatic and other performances in particular. The petition was filed with a prayer that firstly in

respondent No. 2 Board there should atleast be representatives of the women to the extent of 50% and the State Government should prepare the norms as set out in para 3 of the petition and secondly to evolve an enforcement machinery by investing the Board and its members with sufficient powers to have a surprise check, power to prosecute the erring performers, promoters of the dramas, etc.

Affidavit in reply came to be filed by one Mr BA Patel, Under Secretary, Information, Broadcasting and Tourism Department, Government of Gujarat, Gandhinagar on 10.4.1985 followed by another affidavit dated 17th July, 1985. Thereafter, Rule came to be issued on 23.7.1985.

Pursuant to the direction issued by the Court on 4.7.1985, the Government has also produced a notification dated 28.7.1983 whereunder a Board to be known as the Gujarat Cultural Performance Certificate Board came to be constituted under the provisions of sub-section (1) of Section 33 of the Bombay Police Act, 1951. This seems to be nothing else but the respondent No. 2 Board as impleaded in the petition.

On going through the affidavits as well as contents of the said notification, it is clear that the Government has established machinery with the express purposes of dealing with the very grievances set out in the petition as also to generally take care of the cultural aspect of the performances to be offered to the public by individual performance and good things.

The affidavit in replies clearly say that respondent No. 2 Board had nothing to do with advertisements which are being published but recently i.e. somewhere in the year 1985 or before that the Government had taken a decision to empower the Board to see that objectionable blocks are not published in newspapers.

Otherwise also the provisions of Bombay Police Act are sufficient in this regard. Moreover, the criminal law could be set in motion by anyone and that probably should be enough safeguard with regard to the aspects agitated in the petition.

Apart from that, as annexed to the Affidavit in reply the letter written by Under Secretary to the Information and Broadcasting Department, State of Gujarat on 12.3.1985 addressed to the Secretary of the respondent No. 2 Board contains a clear cut direction that

respondent No. 2 Board should not display the advertisements more particularly with regard to obscenity and vulgarity.

In my opinion, therefore, the Government is mindful of the grievance made by the petitioners and seems to be quite alive to the need and as such no further directions are required to be issued. Only thing is that the Boards like respondent No. 2 could be only as active as their members are and it is hoped that while manning the agency like respondent No. 2 Board, the State Government shall keep in mind proper eligibility criteria so that the persons who constitute the Board fulfil the task expected on them and thereby the overall expectations and aspirations of the society at large.

With these observations, in my opinion, so far as the petition is concerned, nothing further is required to be done. It is disposed of accordingly. Rule is discharged.
